

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN RANDOLPH,)	
)	
Plaintiff,)	Civil Action No. 23-796
)	District Judge W. Scott Hardy
v.)	Magistrate Judge Maureen P. Kelly
)	
JUSTIN MOORE <i>et al</i> ,)	Re: ECF No. 57
)	
Defendants.)	

MEMORANDUM ORDER

IT IS HEREBY ORDERED that Plaintiff's "Second Amended Complaint Nunc Pro Tunc," ECF No. 57, is stricken. The Second Amended Complaint was filed without leave of the Court, contains what appears to be objections to the Court's pending Report and Recommendation, ECF No. 55, and sets forth additional allegations regarding Defendant Haag.

As an initial matter, Federal Rule of Civil Procedure 15(a)(1)(B) provides that a party may amend its pleading as a matter of course "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Plaintiff has not sought leave to amend his complaint and leave has not been granted.

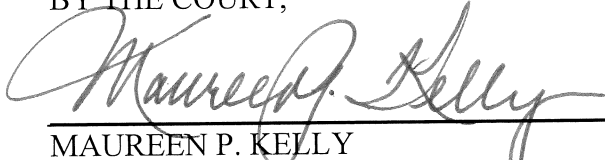
In addition, the filing contains arguments related to the pending Motion to Dismiss filed by Defendant Cleveland Range Corporation. ECF No. 46. Further, the document does not meet the pleading requirements of Federal Rule of Civil Procedure 8(a), 8(d), or 10(b). Therefore, Plaintiff's Second Amended Complaint is stricken.

Plaintiff may file a motion for leave to file an amended complaint, but that motion must attach a proposed amended complaint. Any amended complaint should be a stand-alone document,

complete in itself and without reference to any previous pleadings. The amended complaint should set forth Plaintiff's claims against all defendants in short, concise, and plain statements, and in sequentially numbered paragraphs. Plaintiff must specify the offending actions taken by each defendant, he must sign the amended complaint, and he must indicate the nature of the relief sought.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

BY THE COURT,



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

Dated: June 12, 2024

cc: All counsel of record by Notice of Electronic Filing

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